

01-22-02

1617



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: LICHTENBERGER
SERIAL NO: 09/827,493
FILED: 4/6/01

§ EXAMINER: JIANG, SHAOJIA A.
§ GROUP ART UNIT: 1610
§ DOCKET: 96606/15UT
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#6
JRL
1/26/02

FOR: UNIQUE COMPOSITIONS OF
ZWITTERIONIC PHOSPHOLIPIDS AND
BISPHOSPHONATES AND USE OF THE
COMPOSITIONS AS BISPHOSPHONATE
DELIVERY SYSTEMS WITH REDUCED
GI TOXICITY

RECEIVED
JAN 24 2002
TECH CENTER 1600/2900

EL 389 347 976 US	CERTIFICATION UNDER 37 C.F.R. § 1.10	January 18, 2002
Express Mail Number		Date of Deposit
I hereby certify that this Application and the documents referred to as enclosed therein are being deposited with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee," addressed to:		
Assistant Commissioner for Patents Washington, D.C. 20231		January 18, 2002
Robert W. Strozio		Date of Signature

RESPONSE TO 18 DECEMBER 2001 ELECTION/RESTRICTION REQUIREMENT

Applicant traverses the proposed restriction requirement and requests reconsideration.

Applicant elects Group I, claims 1-32, for prosecution is the present application, expressly reserving the statutory right to file divisional and/or continuing application(s) directed to any subject matter disclosed in the pending application including the subject matter of non-elected claims 33-45. As to the phospholipid species election, Applicant elects the phosphatidylcholines.

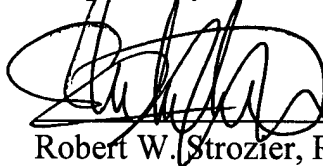
Applicant requests that the Examiner consider modifying the species election requirement directed to the bisphosphonates because the bisphosphonate class of pharmaceuticals, **although not identical or obvious variants**, are collectively searchable using the term "bisphosphonate." In fact, Applicant believes that the Examiner would be required to search the broad classification "bisphosphonate" in any search directed to any

individual member of the bisphosphonate class of pharmaceuticals, in order to ensure the completeness of the search. Applicant, therefore, respectfully requests withdrawal of the bisphosphonate species election requirement.

If the Examiner maintains the bisphosphonate species election requirement, then Applicant elects risedronate as the bisphosphonate species. However, Applicant still maintains that the Examiner would have to search the generic term "bisphosphonate" to ensure that all references to risedronate were found.

If you have any questions, please call me at 713.977.7000.

Respectfully Submitted,



Robert W. Strozier, Reg. No. 34,024

Date: January 18, 2002